

**REAL ESTATE BOARD  
MINUTES  
MADISON, WISCONSIN  
APRIL 27, 2000**

**PRESENT:** James R. Imhoff, Richard Hinsman, Harold Lee, and Jerome Nelson

**EXCUSED:** Bettye Lawrence, Richard Kollmansberger, and Nancy Gerrard

**STAFF PRESENT:** Cletus Hansen, Bill Dusso, and Jan Neitzel; Division of Enforcement staff were present for portions of the meeting.

**GUESTS:** Rick Staff, WRA  
Pat Thiel, Wisconsin Association of Home Inspectors (WAHI)  
Al Bednar, WAHI  
John Geiger, WAHI

**CALL TO ORDER**

The meeting was called to order at 10:11 a.m. by Jim Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of 4 members was present.

**AGENDA**

The stipulations for David Neuville and Susan House were added to the closed session. The presentation of the petition for summary suspension was added to the open session.

**MOTION:** Harold Lee moved, seconded by Richard Hinsman, to adopt the agenda as amended. Motion carried unanimously.

**MINUTES (3/23/00)**

**MOTION:** Richard Hinsman moved, seconded by Jerry Nelson, to approve the minutes as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Cummings' Report**

Secretary Cummings introduced the new Deputy Secretary, Bill Conway.

Secretary Cummings stated she is pleased with the work the Board and the Division of Enforcement have done.

The Secretary reported that organizational changes and restructuring of the Department will occur in the near future and will improve service for customers.

**Division Administrator's Report**

Clete Hansen stated that Nancy Gerrard and Richard Kollmansberger could not attend the meeting. Mr. Kollmansberger would be available by cell phone, if needed.

- Board Roster

There were no additions or corrections to the roster.

- Meeting Dates for 2000

The Board received a copy of the meeting dates for the year 2000. Noted.

- Screening Statistics

The Board received a copy of the March 23, 2000, screening statistics. Noted

- Regulatory Digest

Clete Hansen reported that the April 2000 Regulatory Digest will be mailed within 2 weeks.

## **LEGISLATIVE UPDATE**

### **Real Estate Broker Supervision: AB 566 & SB 286**

Clete Hansen advised that changes relating to the requirement that a full-time branch office manager supervise a branch office did not pass in this legislative session.

The Board will discuss this issue further at the May 25, 2000, meeting.

### **Other**

None.

## **ADMINISTRATIVE RULES**

### **Rule Draft Relating to Supervision, Negotiations, Etc.**

The Board acknowledged receipt of a proposed rule draft and informally tabled action on the proposal until the next meeting.

The Board received a copy of Chapter RL 8, Wis. Admin. Code, relating to administrative warnings. Noted.

The Board received a copy of the April 3, 2000, letter from Hugh Burdick, Racine Board of Realtors, relating to the duties of branch office managers.

## **Report of the Contractual Forms Advisory Committee**

### **Cancellation and Mutual Release**

The Board received a copy of the revised Cancellation and Mutual Release Form. Noted.

Commercial and condominium forms are almost ready to be used.

The Option to Purchase and Simultaneous Exchange Agreement will be sent to Council members for approval and will be submitted to the Board at the May 25, 2000, meeting.

## **HOME INSPECTION ISSUES**

### **Wisconsin Home Inspectors Association-Pat Thiel**

Pat Thiel, Wisconsin Home Inspectors Association, explained the history of the Association and the future goals, which include working with the Real Estate Board to improve service for homeowners.

Mr. Thiel stated that there has been an increase in the number of home inspectors since the profession has become regulated.

## **NEW BUSINESS**

### **Suspension Summary**

The suspension summary matter was deferred until Monday, May 1, 2000, at 10:00 a.m.

## **PUBLIC COMMENT**

None.

## **MISCELLANEOUS CORRESPONDENCE**

None.

### **Administrative Warnings**

Bill Dusso stated that the Department is moving away from letters of concern to administrative warnings or letters of education. Mr. Dusso will have a sample of both in the next agenda.

## **RECESS TO CLOSED SESSION**

**MOTION:** Jerome Nelson moved, seconded by Richard Hinsman, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, stipulations, deliberations on stipulations that may be signed after printing of the agenda, motion to vacate decision, and a summary suspension. Motion carried unanimously by a roll call vote: Richard Hinsman-yes; Harold Lee-yes; Jerome M. Nelson-yes; James R. Imhoff-yes. Motion carried unanimously.

Open Session recessed at 10:55 a.m.

The Board received a copy of the Division of Enforcement Case Status Report.

Deliberation on Proposed Stipulations or Disciplinary Actions that May be Signed After Printing of Agenda.

The Board deliberated on case closings, stipulations, and a motion to vacate decision.

Final voting on these issues was conducted in Open Session.

## RECONVENE IN OPEN SESSION

**MOTION:** Richard Hinsman moved, seconded by Jerome Nelson, to adjourn the Closed Session and to reconvene in Open Session at 11:10 a.m. Motion carried unanimously.

## VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

### CASE CLOSINGS

**MOTION:** Richard Hinsman moved, seconded by Jerome Nelson, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

99 REB 201	Success Realty Inc.	Insufficient evidence
99 REB 201	Heather Rose Holder	Insufficient evidence
99 REB 201	Pamela A. Loveland	Insufficient evidence
99 REB 201	Coldwell Banker Action Realty Inc.	Insufficient evidence
99 REB 205	Gerald W. Geishart	Insufficient evidence
99 REB 205	Invesco International Inc.	Insufficient evidence
99 REB 216	Gregory C. Gottsacker	Insufficient evidence
99 REB 216	Gottsacker Real Estate Services	Insufficient evidence
99 REB 237	Lisa G. Diamond	Insufficient evidence
99 REB 241	Robert Counsell	No violation
99 REB 167	Carrie J. Holman	
99 REB 292	Jean Schulz	Insufficient evidence
99 REB 292	Century 21 Best Way Realty LLC	Insufficient evidence
99 REB 292	Andrea Krueger	Insufficient evidence
99 REB 351	Gerrard-Hoeschler, Inc.	No violation
99 REB 351	Jay Hoeschler	No violation
99 REB 213	Lori Swirkowski	P6
99 REB 213	American Homers Realty	P6
99 REB 213	Peggy Shumway	P6

### STIPULATIONS

#### Leo M. Peters (Milwaukee, WI)

**MOTION:** Harold Lee moved, seconded by Jerome Nelson, to accept the Stipulation, Findings of Facts, Conclusions of Law and Order, in the disciplinary matter of Leo M. Peters. Motion carried unanimously.

#### John J. Jozwiak (Palatine, IL)

**MOTION:** Richard Hinsman moved, seconded by Harold Lee, to accept the Stipulation, Findings of Facts, Conclusions of Law and Order, in the disciplinary matter of John J. Jozwiak. Motion carried unanimously.

#### David A. Neuville (Sturgeon Bay, WI)

**MOTION:** Harold Lee moved, seconded by Jerome Nelson, to accept the Stipulation, Findings of Facts, Conclusions of Law and Order, in the disciplinary matter of David Neuville. Motion carried unanimously.

**Susan L. House (Cedarburg, WI)**

**MOTION:** Richard Hinsman moved, seconded by Jerome Nelson, to accept the Stipulation, Findings of Facts, Conclusions of Law and Order, in the disciplinary matter of Susan L. House. Motion carried unanimously.

**MOTION TO VACATE DECISION**

**Donald H. Mueller (Elm Grove, WI)**

**MOTION:** Harold Lee moved, seconded by Jerome Nelson, to deny Mr. Mueller's request to rescind the order to vacate. Motion carried unanimously.

**SUMMARY SUSPENSION**

**Gregory Slapak (LaCrosse, WI)**

The summary suspension was deferred until Monday, May 1, 2000.

**ADJOURNMENT**

**MOTION:** Richard Hinsman moved, seconded by Harold Lee, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 11:12 a.m.